IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 4TH JULY 2007 / 13TH ASHADHA 1929

WP(C).No. 4234 of 2004(D)

PETITIONER:

BABY VARGHESE.C.V.,
AGED 58 YEARS, PULIKKOTTIL HOUSE,
IST AVENUE, SASTHRIJI NAGAR, KUNNAMKULAM,
THRISSUR DISTRICT (HIGH SCHOOL ASSISTANT (RETD.)
GOVERNMENT HIGH SCHOOL, MARATHENCODE

BY ADV. SRI.V.A.MUHAMMED
SRI.E.S.ASHRAF

RESPONDENTS:

1. **THE STATE OF KERALA REPRESENTED BY**
   THE SECRETARY TO GOVERNMENT
   FINANCE (PRU) DEPARTMENT, SECRETARIAT,
   TRIVANDRUM.

2. **THE ACCOUNTANT GENERAL (A & E) KERALA**
   TRIVANDRUM.

3. **THE DEPUTY DIRECTOR OF EDUCATION,**
   THRISSUR-3.

4. **THE HEADMASTRES,**
   GOVERNMENT HIGH SCHOOL, MARATHENCODE
   THRISSUR DISTRICT.

BY GOVERNMENT PLEADER SRI. MANOJKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 4234/2004 D

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE FORM OF OPTION DT. 8/4/99.

EXT.P2. COPY OF THE STATEMENT OF FIXATION OF PAY DT. 8/11/99.

EXT.P3. COPY OF THE ORDER NO. G7/20549/00 OF THE R3 DT. 12/10/00.

EXT.P4. COPY OF THE ORDER NO. OA. 111/1/12-71/2000-01/1128 OF THE R2 DT. 16/1/2001.

EXT.P5. COPY OF THE ORDER NO. 65419/PRC/C1/94/FIN DT. 25/10/94.

EXT.P6. COPY OF THE LETTER NO. 72339/PRU/A/95/FIN OF THE GOVT. DATED 26/12/95.

EXT.P7. COPY OF THE GO P NO. 206/2003/FIN OF THE GOVT. DT. 5/4/2003.

EXT.P8. COPY OF THE PROCEEDINGS ORDER NO. 46/2001 OF THE R4 DT. 24/07/20001.

EXT.P9. COPY OF THE ORDER OF THE RESPONDENT NO. 2 DT. 26/3/2001.

True copy

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KURIAN JOSEPH J.

W.P.(C) No.4234 of 2004

Dated 4th July, 2007.

J U D G M E N T

Petitioner approached this Court with certain grievances regarding the objection taken to the fixation of pay on the basis of the option made as per G.O.(P) No.399/99/Fin. dated 5.2.1999. In several judgments, this Court has held that the option exercised by the incumbents based on the said Government Order should be treated to be in order since that was the order prevailing at that time. One such judgment is in O.P.No.20280/01. The impugned proceedings are quashed. Since it is also settled position that the incumbents are entitled to have the date of effect of making the re-option, the grievance in that regard also will be looked into and the petitioner shall be given the benefit based on the date of effect of the re-option as opted by the petitioner, within three months from the date of production of a copy of the judgment.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J.

O.P. NO. OF 200

J U D G M E N T

Dated 4th July, 2007.